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LB 152

SENATOR DWORAK: Mr. President, colleagues, I have a question of Senator Hoagland, if he will yield.

SENATOR HOAGLAND: Yes, Senator Dworak.

SENATOR DWORAK: Senator Hoagland, I would like you to help define what \$1,000 a day is. Does that mean if an operation collects \$900 for 365 days, they are not in violation, but if one operation would happen to collect \$1,005 one day, then that would be a felony?

SENATOR HOAGLAND: It would be a felony, Senator Dworak, if they collected over \$1,000 a day pursuant to a bookmaking operation or gambling scheme. That would be a violation of gambling in the first degree. All right, now the sanction for that is a misdemeanor unless somebody has previously been convicted of gambling in the first degree. Then it becomes a felony. Does that answer your question?

SENATOR DWORAK: No, Senator Hoagland, I would like you specifically to say "A" who generates \$900 a day for 365 days a year, as I understand this, that would be a misdemeanor but "B" who generated \$1,005 only one day of the year that would be a felony according to your amendment as I understand it?

SENATOR HOAGLAND: No, Senator Dworak, it would be a felony if he had already once before been convicted of gambling in the first degree. Now let me say this, in any criminal statute, you have got to draw lines. You know, petty larceny draws a line between, I think it is \$500 between petty larceny and grand larceny. Whenever you have criminal statutes, you have got to somehow draw a line between greater and lesser offenses and people are going to be on one side of the line or the other side of the line by just a few dollars oftentimes but that is just a problem of drafting criminal statutes.

SENATOR DWORAK: Senator Hoagland, on my example of "A" and "B" assuming that there has been one conviction as you pointed out, then would "A" be another misdemeanor and "B" would be a felony?

SENATOR HOAGLAND: That is correct, Senator Dworak.

SENATOR DWORAK: Senator Hoagland, that doesn't seem to make a lot of sense to me. I really question the wording of that amendment as to how workable it is and whether you are in fact attempting to get at what you want to get at.